



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1457

by Rep. William Cunningham

SYNOPSIS AS INTRODUCED:

See Index

Amends the Missing Persons Identification Act. Provides that the coroner or medical examiner shall obtain a DNA sample from any individual's remains that are unclaimed or from any individual who is deemed indigent by the coroner or medical examiner and shall have the DNA sample forwarded to the Department of State Police for inclusion in the State and National DNA Databases. Amends the Cemetery Oversight Act. Provides that prior to the burial or interment of any indigent or unidentified individual, a cemetery authority must place inside the burial casket or crypt a metal tag that is stamped or inscribed with the indigent or unidentified individual's Unique Personal Identifier. Prohibits the stacking of caskets in one grave space to 3 caskets for indigent or unidentified individuals. Provides that a cemetery authority shall not bury human remains from multiple persons, identified or unidentified, in the same casket or gravespace, except in cases of a mass casualty event, either natural or man-made. Provides that the Department may enter into a written agreement with a local law enforcement agency or county sheriff's department for the purpose of enforcing provisions of this Act. Permits local law enforcement agencies or county sheriff's departments that have entered into an agreement with the Department shall have the authority to issue citations for the violations of this Act that may be adjudicated in a circuit court that has jurisdiction or by a hearing officer designated by the Secretary. Amends the Vital Records Act. Provides an additional \$1 surcharge for each certified copy of a death certificate produced by a local registrar or county clerk to be deposited into the counties general fund for medical examiners and coroners to provide DNA samples of indigent or unidentified human remains. Effective immediately.

LRB097 09319 CEL 49454 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Missing Persons Identification Act is
5 amended by adding Section 25 as follows:

6 (50 ILCS 722/25 new)

7 Sec. 25. Indigent persons. The coroner or medical examiner
8 shall obtain a DNA sample from any individual's remains that
9 are unclaimed or from any individual who is deemed indigent.
10 The DNA sample shall be forwarded to the Department of State
11 Police for inclusion in the State and National DNA Databases.

12 Section 10. The Cemetery Oversight Act is amended by
13 changing Section 5-20 and by adding Sections 20-35, 20-40, and
14 20-45 as follows:

15 (225 ILCS 411/5-20)

16 (Section scheduled to be repealed on January 1, 2021)

17 Sec. 5-20. Exemptions.

18 (a) Notwithstanding any provision of law to the contrary,
19 this Act does not apply to (1) any cemetery authority operating
20 as a family burying ground, (2) any cemetery authority that has
21 not engaged in an interment, inurnment, or entombment of human

1 remains within the last 10 years and does not accept or
2 maintain care funds, or (3) any cemetery authority that is less
3 than 2 acres and does not accept or maintain care funds. For
4 purposes of determining the applicability of this subsection,
5 the number of interments, inurnments, and entombments shall be
6 aggregated for each calendar year. A cemetery authority
7 claiming a full exemption shall apply for exempt status as
8 provided for in Article 10 of this Act. A cemetery authority
9 that performs activities that would disqualify it from a full
10 exemption is required to apply for licensure within one year
11 following the date on which its activities would disqualify it
12 for a full exemption. A cemetery authority that previously
13 qualified for and maintained a full exemption that fails to
14 timely apply for licensure shall be deemed to have engaged in
15 unlicensed practice and shall be subject to discipline in
16 accordance with Article 25 of this Act.

17 (b) Notwithstanding any provision of law to the contrary, a
18 cemetery authority that does not qualify for a full exemption
19 that is operating as a cemetery authority (i) that engages in
20 25 or fewer interments, inurnments, or entombments of human
21 remains for each of the preceding 2 calendar years and does not
22 accept or maintain care funds, (ii) that is operating as a
23 public cemetery, or (iii) that is operating as a religious
24 cemetery is exempt from this Act, but is required to comply
25 with Sections 20-5(a), 20-5(b), 20-5(b-5), 20-5(c), 20-5(d),
26 20-6, 20-8, 20-10, 20-11, 20-12, 20-30, 20-35, 20-40, 20-45,

1 25-3, and 25-120 and Article 35 of this Act. Cemetery
2 authorities claiming a partial exemption shall apply for the
3 partial exemption as provided in Article 10 of this Act. A
4 cemetery authority that changes to a status that would
5 disqualify it from a partial exemption is required to apply for
6 licensure within one year following the date on which it
7 changes its status. A cemetery authority that maintains a
8 partial exemption that fails to timely apply for licensure
9 shall be deemed to have engaged in unlicensed practice and
10 shall be subject to discipline in accordance with Article 25 of
11 this Act.

12 (c) Nothing in this Act applies to the City of Chicago in
13 its exercise of its powers under the O'Hare Modernization Act
14 or limits the authority of the City of Chicago to acquire
15 property or otherwise exercise its powers under the O'Hare
16 Modernization Act, or requires the City of Chicago, or any
17 person acting on behalf of the City of Chicago, to comply with
18 the licensing, regulation, investigation, or mediation
19 requirements of this Act in exercising its powers under the
20 O'Hare Modernization Act.

21 (Source: P.A. 96-863, eff. 3-1-10.)

22 (225 ILCS 411/20-35 new)

23 Sec. 20-35. Burial or interment of an indigent or
24 unidentified individual.

25 (a) Prior to the burial or interment of any indigent or

1 unidentified individual, a cemetery authority must place
2 inside the burial casket or crypt a metal tag that is stamped
3 or inscribed with the indigent or unidentified individual's
4 Unique Personal Identifier.

5 (b) The stacking of caskets of any indigent or unidentified
6 individual is limited to no more than 3 caskets in one grave
7 space.

8 (225 ILCS 411/20-40 new)

9 Sec. 20-40. Burial of multiple persons. A cemetery
10 authority shall not bury human remains from multiple persons,
11 identified or unidentified, in the same casket or grave space
12 with the exception of human remains that are placed in
13 individual containers or in a mass casualty event, either
14 natural or man-made.

15 (225 ILCS 411/20-45 new)

16 Sec. 20-45. Local law enforcement; citations. The
17 Department may enter into a written agreement with a local law
18 enforcement agency or county sheriff's department for the
19 purpose of enforcing provisions of this Act. Local police
20 agencies or sheriff's departments that enter into an agreement
21 with the Department shall have the authority to issue citations
22 for violations of this Act that may be adjudicated in a circuit
23 court that has jurisdiction or by a hearing officer designated
24 by the Secretary.

1 Section 15. The Vital Records Act is amended by changing
2 Section 25 as follows:

3 (410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

4 Sec. 25. In accordance with Section 24 of this Act, and the
5 regulations adopted pursuant thereto:

6 (1) The State Registrar of Vital Records shall search the
7 files of birth, death, and fetal death records, upon receipt of
8 a written request and a fee of \$10 from any applicant entitled
9 to such search. A search fee shall not be required for
10 commemorative birth certificates issued by the State
11 Registrar. If, upon search, the record requested is found, the
12 State Registrar shall furnish the applicant one certification
13 of such record, under the seal of such office. If the request
14 is for a certified copy of the record an additional fee of \$5
15 shall be required. If the request is for a certified copy of a
16 death certificate or a fetal death certificate, an additional
17 fee of \$2 is required. The additional fee shall be deposited
18 into the Death Certificate Surcharge Fund. A further fee of \$2
19 shall be required for each additional certification or
20 certified copy requested. If the requested record is not found,
21 the State Registrar shall furnish the applicant a certification
22 attesting to that fact, if so requested by the applicant. A
23 further fee of \$2 shall be required for each additional
24 certification that no record has been found.

1 Any local registrar or county clerk shall search the files
2 of birth, death and fetal death records, upon receipt of a
3 written request from any applicant entitled to such search. If
4 upon search the record requested is found, such local registrar
5 or county clerk shall furnish the applicant one certification
6 or certified copy of such record, under the seal of such
7 office, upon payment of the applicable fees. If the requested
8 record is not found, the local registrar or county clerk shall
9 furnish the applicant a certification attesting to that fact,
10 if so requested by the applicant and upon payment of applicable
11 fee. The local registrar or county clerk must charge a \$3 ~~\$2~~
12 fee for each certified copy of a death certificate, a \$1 of
13 which shall be deposited into the county's general fund for
14 medical examiners and coroners to provide DNA sampling for
15 indigent or unidentified human remains. The fee is in addition
16 to any other fees that are charged by the local registrar or
17 county clerk. The additional fees must be transmitted to the
18 State Registrar monthly and deposited into the Death
19 Certificate Surcharge Fund. The local registrar or county clerk
20 may charge fees for providing other services for which the
21 State Registrar may charge fees under this Section.

22 A request to any custodian of vital records for a search of
23 the death record indexes for genealogical research shall
24 require a fee of \$10 per name for a 5 year search. An
25 additional fee of \$1 for each additional year searched shall be
26 required. If the requested record is found, one uncertified

1 copy shall be issued without additional charge.

2 Any fee received by the State Registrar pursuant to this
3 Section which is of an insufficient amount may be returned by
4 the State Registrar upon his recording the receipt of such fee
5 and the reason for its return. The State Registrar is
6 authorized to maintain a 2 signature, revolving checking
7 account with a suitable commercial bank for the purpose of
8 depositing and withdrawing-for-return cash received and
9 determined insufficient for the service requested.

10 No fee imposed under this Section may be assessed against
11 an organization chartered by Congress that requests a
12 certificate for the purpose of death verification.

13 (2) The certification of birth may contain only the name,
14 sex, date of birth, and place of birth, of the person to whom
15 it relates, the name, age and birthplace of the parents, and
16 the file number; and none of the other data on the certificate
17 of birth except as authorized under subsection (5) of this
18 Section.

19 (3) The certification of death shall contain only the name,
20 Social Security Number, sex, date of death, and place of death
21 of the person to whom it relates, and file number; and none of
22 the other data on the certificate of death except as authorized
23 under subsection (5) of this Section.

24 (4) Certification or a certified copy of a certificate
25 shall be issued:

26 (a) Upon the order of a court of competent

1 jurisdiction; or

2 (b) In case of a birth certificate, upon the specific
3 written request for a certification or certified copy by
4 the person, if of legal age, by a parent or other legal
5 representative of the person to whom the record of birth
6 relates, or by a person having a genealogical interest; or

7 (c) Upon the specific written request for a
8 certification or certified copy by a department of the
9 state or a municipal corporation or the federal government;
10 or

11 (d) In case of a death or fetal death certificate, upon
12 specific written request for a certified copy by a person,
13 or his duly authorized agent, having a genealogical,
14 personal or property right interest in the record.

15 A genealogical interest shall be a proper purpose with
16 respect to births which occurred not less than 75 years and
17 deaths which occurred not less than 20 years prior to the date
18 of written request. Where the purpose of the request is a
19 genealogical interest, the custodian shall stamp the
20 certification or copy with the words, FOR GENEALOGICAL PURPOSES
21 ONLY.

22 (5) Any certification or certified copy issued pursuant to
23 this Section shall show the date of registration; and copies
24 issued from records marked "delayed," "amended," or "court
25 order" shall be similarly marked and show the effective date.

26 (6) Any certification or certified copy of a certificate

1 issued in accordance with this Section shall be considered as
2 prima facie evidence of the facts therein stated, provided that
3 the evidentiary value of a certificate or record filed more
4 than one year after the event, or a record which has been
5 amended, shall be determined by the judicial or administrative
6 body or official before whom the certificate is offered as
7 evidence.

8 (7) Any certification or certified copy issued pursuant to
9 this Section shall be issued without charge when the record is
10 required by the United States Veterans Administration or by any
11 accredited veterans organization to be used in determining the
12 eligibility of any person to participate in benefits available
13 from such organization. Requests for such copies must be in
14 accordance with Sections 1 and 2 of "An Act to provide for the
15 furnishing of copies of public documents to interested
16 parties," approved May 17, 1935, as now or hereafter amended.

17 (8) The National Vital Statistics Division, or any agency
18 which may be substituted therefor, may be furnished such copies
19 or data as it may require for national statistics; provided
20 that the State shall be reimbursed for the cost of furnishing
21 such data; and provided further that such data shall not be
22 used for other than statistical purposes by the National Vital
23 Statistics Division, or any agency which may be substituted
24 therefor, unless so authorized by the State Registrar of Vital
25 Records.

26 (9) Federal, State, local, and other public or private

1 agencies may, upon request, be furnished copies or data for
2 statistical purposes upon such terms or conditions as may be
3 prescribed by the Department.

4 (10) The State Registrar of Vital Records, at his
5 discretion and in the interest of promoting registration of
6 births, may issue, without fee, to the parents or guardian of
7 any or every child whose birth has been registered in
8 accordance with the provisions of this Act, a special notice of
9 registration of birth.

10 (11) No person shall prepare or issue any certificate which
11 purports to be an original, certified copy, or certification of
12 a certificate of birth, death, or fetal death, except as
13 authorized in this Act or regulations adopted hereunder.

14 (12) A computer print-out of any record of birth, death or
15 fetal record that may be certified under this Section may be
16 used in place of such certification and such computer print-out
17 shall have the same legal force and effect as a certified copy
18 of the document.

19 (13) The State Registrar may verify from the information
20 contained in the index maintained by the State Registrar the
21 authenticity of information on births, deaths, marriages and
22 dissolution of marriages provided to a federal agency or a
23 public agency of another state by a person seeking benefits or
24 employment from the agency, provided the agency pays a fee of
25 \$10.

26 (14) The State Registrar may issue commemorative birth

1 certificates to persons eligible to receive birth certificates
2 under this Section upon the payment of a fee to be determined
3 by the State Registrar.

4 (Source: P.A. 91-382, eff. 7-30-99; 92-141, eff. 7-24-01.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 50 ILCS 722/25 new

4 225 ILCS 411/5-20

5 225 ILCS 411/20-35 new

6 225 ILCS 411/20-40 new

7 225 ILCS 411/20-45 new

8 410 ILCS 535/25 from Ch. 111 1/2, par. 73-25